

AO 91 (Rev. 11/11) Criminal Complaint

U.S. DISTRICT COURT - N.D. OF N.Y.
<b>FILED</b>
APR 30 2024
AT _____ O'CLOCK _____ John M. Domurad, Clerk - Plattsburgh

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA )

v. )

MANISH KUMAR, )

Case No. 8:24-MJ-223 (GLF)

Defendant. )

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of April 29, 2024, in the county of Clinton in the Northern District of New York, the defendant violated:

*Code Section*

8 U.S.C. § 1324(a)(1)(A)(ii)

*Offense Description*

Transport and move or attempt to transport and move an alien, knowing and in reckless disregard of the fact that the alien had come to, entered, and remained in the United States in violation of the law, by means of transportation or otherwise, in furtherance of such violation of law.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

Alex J. Espinoza, Border Patrol Agent

Printed name and title

Attested to be the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: APRIL 30, 2024City and State: Plattsburgh, NY


Hon. Gary L. Favro, U.S. Magistrate Judge

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On April 29, 2023, at approximately 2:00 a.m., Border Patrol Agents from the Champlain Patrol Station were in Mooers Forks, New York. The Mooers Forks area is a common area for people to cross from Canada to the United States to evade inspection at a designated Port of Entry.

Agents located a white Honda Accord bearing New York license plate LHR 3403 driving eastbound on Bush Road towards Blackmans Corners Road, a common route of egress away from the U.S.-Canada border known to be used for human smuggling activity. A Border Patrol agent observing the vehicle knew it appeared to match a suspect vehicle that has been detected several times in or around Mooers Forks; that vehicle has been observed at about the same time other groups of people have either been apprehended or evaded apprehension in the same area. An agent observed multiple occupants inside the vehicle. Given that the vehicle was observed on a road and in an area known to be used by smugglers for human smuggling activity; the vehicle's unusual driving pattern, namely that it was traveling on a little-used road at 2:00 a.m.; that there were numerous occupants inside the vehicle; and that the vehicle matched the description of another vehicle suspected of being connected to human smuggling activity, the agent initiated a vehicle stop in order to conduct an immigration inspection of the vehicle's occupants.

The agent approached the vehicle, identified himself as a United States Border Patrol Agent, and proceeded to question the occupants as to their citizenship. The driver, later identified to be Manish KUMAR, was questioned regarding his citizenship and reason for being in the area. KUMAR stated that he was Indian, the passengers in his car were also Indian, and he was in the area to help them out. When KUMAR was questioned as to why he was in the area at that time of night, he did not give a direct answer. KUMAR claimed to be living in Plattsburgh, New York. Agents noticed that the backseat passengers were covered in mud from the thigh area down towards their feet. I know from my experience as a Border Patrol agent that people who cross the international border in this area often need to traverse swamps and or very wet, muddy areas. From the inspection, it was believed that the passengers in the van were from India and were illegally present in the United States without any documents to enter or remain in the United States legally. KUMAR and the passengers were taken into custody and transported to the Champlain Border Patrol Station for further investigation and processing.

At the station, Border Patrol agents entered the driver's and passengers' biographical information and fingerprints into Department of Homeland Security databases. It was revealed that all the passengers are citizens of India; none of them had any previous immigration or criminal history within the United States; and none possessed any immigration documentation to be within the United States legally. Record checks further revealed that KUMAR is a citizen of India. He encountered law enforcement in Arizona in March 2023, was issued a Warrant of Arrest/Notice to Appear on March 3, 2023, and has a report date of March 10, 2025 in New York, New York. Based on this information, I believe that KUMAR does not have a lawful basis to be in the United States.

At the station, KUMAR was issued his *Miranda* warning and agreed to speak with law enforcement. Kumar made the following admissions: First, KUMAR recently moved to and currently resides at the Golden Gate Motel at 432 Margaret Street, Plattsburgh, New York. Second, he was hired to pick people up on Bush Road in Mooers Forks, New York and transport them to the Greyhound Bus Station in Plattsburgh, New York. Third, Kumar has made this trip at least three or four times and was paid \$500 each trip.

KUMAR gave law enforcement consent to search his cell phone. An initial review of the phone revealed evidence of recent multiple money transactions since April 11, 2024 whereby KUMAR received at least \$1,500 total in payments from another individual or individuals. This is consistent with his statement that he was paid \$500 per smuggling event. He also received several text messages since April 7, 2024 from an unidentified

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individual. Those text messages include GPS coordinates and addresses on Bush Road—the same road he was found driving on April 29, 2024. Receiving GPS coordinates on Bush Road is consistent with known illicit smuggling trends in the Mooers Forks area.